REMARKS

In accordance with the foregoing, claims 2-7 and 10 are pending and under consideration.

INTERVIEW WITH THE EXAMINER

Applicants acknowledge with appreciation the courtesy of an interview granted to Applicant's representative on October 2, 2008, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments, the amended claims appear to be allowable and he would reconsider the outstanding grounds for rejection upon formal submission of a response.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-9 are rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0065805 to Barnes (hereinafter "Barnes").

The paradigm in Barnes is fundamentally different from the claimed request acceptance system and merely collating phrases from disparate portions of Barnes disclosure ([0181], [0162], [0316], [0135], [0141]) is logically deficient when the indicated portions are not linked functionally. 37 CFR 1.104 (c)(2) places the burden on the Examiner "[when] a reference is complex or shows or describes inventions other than that claimed by the applicant, [to designate] the particular part relied on [...] as nearly as practicable. "

The claims are directed to a system used by a service provider to accept service reservation from customers and not by a customer to find points of interest where services are provided and decide whether to use the services or not as in Barnes. The service providers in Barnes do not obtain information about the current position of the customer to decide whether or not to accept the reservation request.

Barnes does not anticipate the claimed reservation acceptance systems because Barnes fails to disclose components functionally related as recited in the claims.

Specifically, independent claim 2 patentably distinguishes over Barnes at least by reciting:

- a provided quantity information obtaining portion that obtains quantity information concerning a quantity of the service that can be provided,
- the area information having a parameter that indicates the quantity, so that the

predetermined area is correlated to the quantity indicated by the parameter, and

- the existence decision portion deciding whether or not the customer is within the area that is defined in accordance with the quantity indicated by the provided quantity information and the area information.

Barnes discloses a system for providing location based functions and mobile e-commerce based on location data. (see Barnes' abstract). In Barnes, a customer receives information about available services (points of interest) depending on his location. In contrast, in the claimed reservation acceptance systems, the customer requests a service and whether the customer receives a "reservation acceptance" for the service depends on the customer's location. The decision maker on whether to pursue with the transaction in Barnes is the customer, while the decision factor in the claimed reservation acceptance system is the system.

The reservation acceptance system of claim 2 sets the area from which to accept a reservation in accordance with an available quantity of a provided service. No similar features are disclosed in Barnes. A benefit of these features is that, if the available quantity is large, the area may be set wide making it possible to accept more reservations. On the other hand, if the available quantity is small, the area may be set narrow, thereby making accepting a reservation only from a customer whose current position is close to the provided position of the service. These features have the beneficial effect that the reservation system of claim 2 can accept reservations in accordance with the available quantity of a provided service, and other resources such as staff, spaces and equipment can be effectively utilized.

Barnes disclosure does not explicitly or inherently discloses the above-identified features. Paragraph [0181] refers to step 350 of FIG. 5 therein which is "a data flow diagram of the method steps [...] for determining a point of interest satisfying criteria" (see paragraph [0023] of Barnes) as a part of multi-vendor search (see paragraph [0177]). Although the multi-vendor search may be limited to a certain area, the indicated paragraph or Barnes disclosure as a whole do not expressly or inherently anticipate "a provided quantity information obtaining portion that obtains quantity information concerning a quantity of the service that can be provided" as recited in amended claim 2, wherein the service is provided to "a provision position of the service."

Therefore, Applicants respectfully submit that claim 2 patentably distinguishes over the cited prior art.

Independent claim 3 patentably distinguishes over Barnes at least by reciting:

- the request acceptance portion accepting the request information together with a

designation of a desired time for receiving the service,

- the area information having a parameter that indicates a time so that the predetermined area is correlated to the time indicated by the parameter, and

- the existence decision portion deciding whether or not the customer is within an area that is defined in accordance with the time related to the designation and the area information.

The reservation acceptance system of claim 3 can correlate the time for receiving the service by the customer with the area from which to accept a reservation. For example, if the time for receiving the service by the customer is longer, the area from which to accept a reservation can be set larger. Thereby, it possible to make it more likely to accept a reservation from a customer who desires to utilize the service for a longer time, and the resources for providing the service are more effectively employed and the earnings are increased.

The Office Action again cites disparate portions of Barnes which do not cooperatively disclose the features recited in claim 3. Paragraph [0032] of Barnes cited relative to claim 4 states:

> Many of the embodiments described below include establishing a communication link or performing some other action upon occurrence of an event such as when the user with the device of the present invention is within a predetermined distance of a point of sale, a vender, a residence, a place for delivery of goods, a place for pick up of goods, or some other location.

The Office Action speculates that predetermined distance may be for different times. However, this speculation which is unsupported by the following description, does not disclose "a desired time for receiving the service" which is provided at "a provision position of the service." Further, the Office Action repeats the same citations as relative to claim 2, paragraphs [0162], [0316], [0135] and [0141], with exactly the same comments, again failing to establish the connection between the indicated portions and the positively recited features of claim 3. Therefore, Applicants respectfully submit that the Office Action has failed to meet the required burden of proof. In fact, Barnes does not anticipate the features recited in claim 3.

Independent claim 4 patentably distinguishes over Barnes at least by reciting:

- if a request for a temporary reservation is received from the customer after the result of the decision that the customer is not within the predetermined area is obtained,

- the current position information obtaining portion obtains new current position information of the customer,

- the existence decision portion performs a new decision in accordance with the new

current position information, and

- the reservation acceptance processing portion performs the reservation acceptance process if the new decision is that the customer is within the predetermined area.

The reservation acceptance system of claim 4 allows a customer to make a temporary reservation even if he is outside of the area from which reservation requests are accepted. The temporary reservation can be automatically accepted by the reservation acceptance proceeding portion when the customer enters the area. In other words, even if the customer cannot make a reservation because he does not meet the geographical requirements, he can preemptively make a reservation for service that is enabled once he meets the requirements thereafter. Furthermore, for instance, if a customer is likely to arrive at the provision position later than the expected time, the service provider can allow another customer who arrives earlier to receive the service. Thus, the resources for providing a service are effectively employed and the earnings increase.

The outstanding Office Action alleges that paragraph [0015] disclosing that an action is triggered based on change in location data anticipates all the above-identified features. Applicants respectfully submit that the action triggered by the change in location in Barnes does not teach or suggest any temporary reservation and its subsequent effect. Therefore, Applicants respectfully submit that the Office Action has failed to meet the required burden of proof. Barnes does not anticipate the features recited in claim 4.

Independent claim 5 patentably distinguishes over Barnes at least by reciting:

- an arrival time forecast portion that forecasts a time of arrival when the customer whose reservation was processed by the reservation acceptance process will arrive at the provision position, and

- a cancel processing portion that performs a process for canceling the reservation related to the request information when it is decided that the customer will not arrive by the forecasted time of arrival.

The reservation acceptance system of claim 4 allows cancelling a reservation that has been accepted when it is forecasted that the customer who requested the reservation is late for the reserved time more than a prescribed time. Thus, the resources for providing a service are effectively employed and the earnings increase.

The reservation acceptance system of independent claim 6 recites "a reservation acceptance system that accepts a reservation for a parking lot," whereas Barnes discloses a

system for accepting a reservation for a meal in a restaurant (see paragraphs [0172], [0173] and [0211]). The system of Barnes cannot accept a reservation for a parking lot. Barnes at paragraph [0100], line 3 from the bottom uses the phrase "parking lot". However, contrary to the "parking lot" of the claim 6, the aforementioned phrase "parking lot" of Barnes is used merely to exemplify the location information as displayed in the device 101 which the user carries. Additionally, the outstanding Office Action does not respond to the arguments put forth relative to claim 6 in the amendment filed on January 7, 2008 incorporated by reference herewith.

Claim 7 is patentable by inheriting patentable features from independent claim 6, and by reciting additional distinguishing features. Barnes does not anticipate the following features of claim 7:

- a traffic information obtaining portion that obtains traffic information around the parking lot or the customer who made the request, the traffic information being transmitted from an information providing portion,

- a demand forecast portion that forecasts a future demand of the parking lot in accordance with the obtained traffic information, wherein

- the area information has a parameter that indicates a quantity of the demand, so that the predetermined area is inversely correlated with the quantity indicated by the parameter and

- the existence decision portion decides whether or not the customer who made the request is within an area that is defined in accordance with the forecasted demand and the area information.

The reservation acceptance system of claim 7 determines the area from which reservations are accepted in accordance with the forecasted future demand based on traffic information around the parking lot. Therefore, the resources for providing a service are effectively employed and the earnings increase.

Claim 10 is directed to a parking reservation acceptance system. The new claim is fully supported by the originally filed specification, for example, FIG. 3 and the corresponding description in the specification. Claim 10 patentably distinguishes over the cited prior art at least by reciting:

- a current position acquiring portion that obtains a current position of the customer who sent the parking request;

- a service area portion that determines a predetermined area for service around the parking area based on the available parking space; and

- a decision portion which accepts parking reservation request when the customer that sent the request is within the predetermined area according to the current position information.

RELATIVE TO THE RESPONSE TO ARGUMENTS SECTION

During the interview Applicant's representative has pointed out repeatedly that the Examiner's statements are speculative or a hindsight reconstruction in a different paradigm and thus, nullifying the assertion of obviousness. Although Barnes discloses Barnes' system, the features in Barnes are not the ones in the claims.

For example, relative to claim 3, in the "Response to Arguments" section, it is asserted

> Barnes discloses **a predetermined distance may be for different times** in [0032]. Barnes also discloses that a database may store available points of interest [vendor locations] limited to a predetermined area in w/[0162], and in [0316], restricted location, in [0135], restrictions stored in device, and in [0141], disclose that data storage rules based on location of user, therefore **suggesting that time is considered when determining if a customer is in a specific location.**

As a person of ordinary skill in the art would easily recognize, such an argument is hindsight reconstruction and fails to prove that the claimed features are disclose expressly or inherently by the cited prior art.

As agreed during the interview, the elements cited in the prior art do not work cooperatively as within the claims.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.
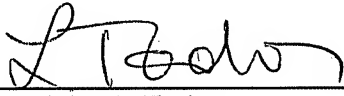
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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